

THE HONORABLE MARSHA J. PECHMAN

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

MARTHILDE BRZYCKI,

Plaintiff,

v.

HARBORVIEW MEDICAL CENTER and
UNIVERSITY OF WASHINGTON,

Defendants.

CASE NO. 2:18-cv-01582-MJP

**DECLARATION OF CHRISTIE J. FIX
IN SUPPORT OF PLAINTIFF'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT**

NOTING DATE: DECEMBER 20, 2019

ORAL ARGUMENT REQUESTED

I, Christie J. Fix, declare based on my personal knowledge and belief:

1. I represent Plaintiff Marthilde Brzycki in this matter.

2. Attached to this declaration as Exhibit A is a true and correct copy of excerpts of the transcript of the November 5, 2019 deposition of Elizabeth Schuringa, ARNP.

3. Attached to this declaration as Exhibit B is a true and correct copy of a Family and Medical Leave Certification of Health Care Provider for Personal Serious Health Condition signed by Elizabeth Schuringa, ARNP, dated December 8, 2016, which was produced by Defendants in discovery and introduced as Exhibit 6 to the deposition of Ms. Schuringa.

DECLARATION OF FIX IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT - 1
NO. 2:18-cv-01582-MJP

FRANK FREED
SUBIT & THOMAS LLP
Suite 1200 Hoge Building, 705 Second Avenue
Seattle, Washington 98104-1798 ~ (206) 682-6711

1 4. Attached to this declaration as Exhibit C is a true and correct copy of a Family
2 and Medical Leave Certification of Health Care Provider for Personal Serious Health Condition
3 signed by Elizabeth Schuringa, ARNP, dated January 3, 2017, which was produced by
4 Defendants in discovery and introduced as Exhibit 7 to the deposition of Ms. Schuringa.
5

6 5. Attached to this declaration as Exhibit D is a true and correct copy of a letter
7 from Elizabeth Schuringa, ARNP, to Harborview dated January 17, 2017, which was produced
8 by Defendants in discovery and introduced as Exhibit 8 to the deposition of Ms. Schuringa.
9

10 6. Attached to this declaration as Exhibit E is a true and correct copy of excerpts of
11 the transcript of the November 5, 2019 deposition of Rachel Sternoff, ARNP.

12 7. Attached to this declaration as Exhibit F is a true and correct copy of a Family
13 and Medical Leave Certification of Health Care Provider for Personal Serious Health Condition
14 signed by Rachel Sternoff, ARNP, dated April 27, 2017, which was produced by Defendants in
15 discovery and introduced as Exhibit 2 to the November 5, 2019 deposition of Rachel Sternoff,
16 ARNP.
17

18 8. Attached to this declaration as Exhibit G is a true and correct copy of a letter
19 from Rachel Sternoff, ARNP, to Harborview dated May 30, 2017, which was produced by
20 Defendants in discovery and introduced as Exhibit 4 to the deposition of Rachel Sternoff,
21 ARNP.
22

23 9. Attached to this declaration as Exhibit H is a true and correct copy of a Family
24 and Medical Leave Certification of Health Care Provider for Personal Serious Health Condition
25 signed by Rachel Sternoff, ARNP, received by Defendants on June 27, 2017, which was
26 produced by Defendants in discovery and introduced as Exhibit 5 to the deposition of Rachel
27 Sternoff, ARNP.
28

1 10. Attached to this declaration as Exhibit I is a true and correct copy of excerpts of
2 the transcript of the October 17, 2019 deposition of Kim Francis.

3 11. Attached to this declaration as Exhibit J is a true and correct copy of an email
4 thread dated Friday, June 30, 2017, which was produced by Defendants in discovery and
5 introduced as Exhibit 32 to the deposition of Kim Francis.

6 12. Attached to this declaration as Exhibit K is a true and correct copy of an email
7 thread dated Friday, June 30, 2017, which was produced by Ms. Brzycki in discovery and
8 introduced as Exhibit 34 to the deposition of Kim Francis.

9 13. Attached to this declaration as Exhibit L is a true and correct copy of excerpts of
10 the transcript of the October 31, 2019 deposition of Tricia O'Donohue.

11 14. Attached to this declaration as Exhibit M is a true and correct copy of an email
12 thread with attachments dated June 30, 2017, which was produced by Defendants in discovery
13 and introduced as Exhibit 97 to the deposition of Tricia O'Donohue.

14 15. Attached to this declaration as Exhibit N is a true and correct copy of an email
15 thread dated June 30, 2017, which was produced by Defendants in discovery and introduced as
16 Exhibit 98 to the deposition of Tricia O'Donohue.

17 16. Attached to this declaration as Exhibit O is a true and correct copy of an email
18 thread with attachments dated June 30, 2017, which was produced by Defendants in discovery
19 and introduced as Exhibit 99 to the deposition of Tricia O'Donohue.

20 17. Attached to this declaration as Exhibit P is a true and correct copy of an email
21 dated July 13, 2017, from Tricia Roland to Jennifer Petritz, with attachments, which was
22 produced by Defendants in discovery. Defendants produced UWMB005340 only in native
23 Excel format; I converted this attachment to PDF format for inclusion with this Declaration.

1 18. Attached to this declaration as Exhibit Q is a true and correct copy of an email
2 thread dated July 18, 2017, which was produced by Defendants in discovery.

3 19. Attached to this declaration as Exhibit R is a true and correct copy of relevant
4 excerpts of the transcript of the November 7, 2019 deposition of M. Reid Stell.

5 20. Attached to this declaration as Exhibit S is a true and correct copy of the
6 University of Washington Health Care Provider Statement for Disability Accommodation
7 signed by M. Reid Stell, LMHC, dated July 12, 2017, produced by Plaintiff in discovery and
8 introduced as Exhibit 3 to the deposition of M. Reid Stell.

9 21. Attached to this declaration as Exhibit T is a true and correct copy of relevant
10 excerpts of Defendants' Responses and Objections to Plaintiff's Second Interrogatories and
11 Third Requests for Production to Defendants.

12 22. Attached to this declaration as Exhibit U is a true and correct copy of relevant
13 excerpts of the transcript of the November 4, 2019 deposition of David Tirschwell, M.D.

14 23. Attached to this declaration as Exhibit V is a true and correct copy of relevant
15 excerpts of the April 7, 2017 Step C Final Counseling Memo and exhibits thereto, which was
16 produced by Defendants in discovery and introduced as Exhibit 8 to the deposition of Kathy
17 Hare.

18 24. Where appropriate, my office redacted personal identifier information from the
19 Exhibits pursuant to the Federal Rules of Civil Procedure 5.2 and Local Rules W.D. Wash. CR
20 5.2.

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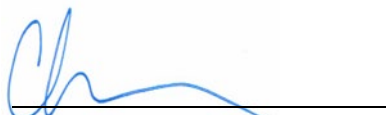
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DECLARATION OF FIX IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT - 4
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1
2 I declare under penalty of perjury under the laws of the United States and the State of
3 Washington that the foregoing is true and correct to the best of my knowledge.
4

5 DATED this 27th day of November, 2019 at Seattle, Washington.

6
7 
8 Christie J. Fix

CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel/parties of record. I hereby certify that no other parties are to receive notice.

DATED at Seattle, Washington on this 27th day of November, 2019.

/s/Sarah Gunderson

Sarah Gunderson